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UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION



NATHANIEL SCHWARTZ, individually and on behalf of all others similarly situated,

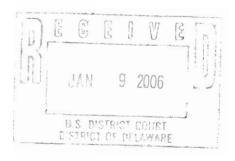
Plaintiffs.

ν.

INTEL CORPORATION, a Delaware Corporation

Defendant.

C.A. No. 05-22262



DECLARATION OF GREGORY F. WELLS IN SUPPORT OF MOTION TO STAY

- 1. My name is Gregory F. Wells. I am over the age of 18 and competent to give testimony. If called upon, I would testify as to the facts in this Declaration.
- I am an associate at the law firm of Bingham McCutchen LLP. Bingham
 McCutchen represents Intel Corporation in this matter.
- 3. As of the date of this Declaration, there have been 72 putative class actions against Intel filed in or removed to multiple federal courts ("the Related Actions") over the last three months alleging essentially word-for-word facts and similar state and federal antitrust claims. Attached as Tab A is a list of these Related Actions. All but two of these cases were originally filed in federal court. These exceptions are Cory Wiles et al. v. Intel Corp., which was filed in the Thirteenth Judicial District, Circuit Court of Shelby County, Tennessee and removed to the United States District Court for the Western District of Tennessee on September 19, 2005 and Marvin D. Chance, Jr. et al. v. Intel Corp., which was filed in the District Court of Seward

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County, Kansas and removed to the United States District Court for the District of Kansas on October 3, 2005.

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- 4. All of the Related Actions, including this case, are subject to a petition before the Judicial Panel on Multidistrict Litigation to transfer and consolidate them to a single MDL court pursuant to 28 U.S.C. § 1407. Attached as Tab B is a true and correct copy of the MDL petition filed by plaintiffs in *Brauch et al. v. Intel Corp.*, No. C-02-2743 (N.D. Cal. filed July 5, 2005). The MDL proceeding has been entitled *In re Intel Corp. Microprocessor Antitrust Litigation*, MDL 1717, and the JPML heard arguments with respect to the MDL petition on September 29, 2005 in Asheville, NC. The districts suggested to the JPML as the potential MDL courts are: (1) the District of Delaware; (2) the Southern District of California; and (3) the Northern District of California. This District has not been mentioned as a possible venue by any of the parties in the actions subject to the MDL 1717 Petition.
- 5. Attached hereto as Tab C is a true and correct copy of the notice of related, tagalong action filed by Intel before the JPML on September 16, 2005 identifying the Schwartz case as a related action.

I declare under penalty of perjury that the foregoing is true and correct to the best of my

October 31, 2005

knowledge.

regory F. Wells

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing instrument was sent via United States Mail this 15 day of November, 2005, to: Lance A. Harke, P.A., Howard M. Bushman, Esq., Harke & Clasby, LLP, 155 South Miami Avenue, Suite 600, Miami, Florida 33130 and Steve W. Berman, Esq., Anthony D. Shapiro, Esq., 1301 Fifth Avenue, Suite 2900, Seattle, Washington 98101.

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TAB A

INDEX OF INTEL CLASS ACTION COMPLAINTS BY JURISDICTION

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2.	Michael Brauch v. Intel Corp., Case No. 05-2743, Filed 7/5/05
3.	Dwight E. Dickerson v. Intel Corp., Case No. 05-02818 JL, Filed 7/11/05
4.	Huston Frazier, et al. v. Intel Corp., Case No. 05-02813 JL, Filed 7/11/05
5.	Steven J. Hamilton, et al. v. Intel Corp., Case No. 05-2721, Filed 7/1/05
6.	The Harman Press v. Intel Corp., Case No. 05-02823 EDL, Filed 7/11/05
7	Ronald Konieczka, et al. v. Intel, Case No. 05-2700, Filed 6/30/05
8.	David E. Lipton, et al. v. Intel, Case No. 05 2669, Filed 6/29/05
9.	Patricia M. Niehaus, et al. v. Intel Corp., Case No. 05-2720, Filed 7/1/05
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11.	Shanghai 1930 Restaurant v. Intel Corp., Case No. 05 2830 EDL, Filed 7/12/05
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17.	Peter Jon Naigow, individually and on behalf of all similarly situated v. Intel, Case
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18.	Kevin Stoltz, individually and on behalf of all similarly situated v. Intel, Case No.
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19.	Patrick Hewson v. Intel, Case No. C-05-2916 SC, Filed 7/18/05
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21.	Trotter-Vogul Realty, Inc. d/b/a Prudential California Realty individually and on
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22.	Karol Juskiewicz on behalf of himself and all others similarly situated v. Intel, Case
	No. C-05-3094 Filed 7/28/05
23.	Athan Uwakwe, d/b/a/ Tom Cyp Computers, individually, and on behalf of all those
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24.	Jose Juan, on behalf of himself and all others similarly situated v. Intel, Case No. C-
	05-3271 EMC Filed 08/10/05
25.	Dressed to Kill Draperies, LLC, and all others similarly situated v. Intel, Case No.
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26.	Tracy Kinder, on behalf of himself and all others similarly situated v. Intel, Case
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27.	Edward Rush on behalf of himself and all others similarly situated v. Intel, Case No.
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54.	Bergerson & Associates, Inc. on behalf of himself and all others similarly situated
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55.	David Arnold on behalf of himself and all others similarly situated v. Intel,
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56.	Lee Pines on behalf of himself and all others similarly situated v. Intel,
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57.	Stuart Munson on behalf of himself and all others similarly situated v. Intel,
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59.	Angel Genese et al. on behalf of themselves and all others similarly situated v. Intel,
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60.	Jodi Salpeter et al. on behalf of themselves and all others similarly situated v. Intel,
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61.	Gabriella Herroeder-Perras, on behalf of herself and all others similarly situated v.
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63.	Damon DiMarco individually, and on behalf of all others similarly situated v. Intel,
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66.	Robert Marshall d/b/a Marshall Realty, individually, and on behalf of all those simila
	situated v. Intel Corporation, Case No. 1:05-cv-00686
67.	David Kurzman individually, and on behalf of all those similarly situated v. Intel
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	USDC - Southern District of California
68.	Justin Suarez on behalf of himself and all others similarly situated v. Intel, Case No. 05-CV-1507, Filed 7/27/05

	USDC - Southern District of Florida
69.	Nathaniel Schwartz, individually and on behalf oa all others similarly situated v. Intel Case No. 05-22262 Filed 08/16/05

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70.	Andrew Armbrister and Melissa Armbrister, on behalf of themselves and all others similarly situated, v. Intel, Case No. 2:05-cv-212 Filed 08/19/05

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71.	Cory Wiles individually and on behalf of all similarly situated v. Intel Corporation Case No. 05-2605 IDB

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72.	Marvin D. Chance, Jr., on behalf of himself and all others similarly situated, v. Intel Corporation, Case No. 6:05-cv-01303-JTM-KMH Removed 10/03/05

TAB B

JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

JUL 14 2005

FILED CLERK'S OFFICE

MDL 1717

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

IN RE INTEL MARKET PRACTICES
ANTITRUST LITIGATION

MIDE DOCKET NO.	IDL DOCKET NO.	
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PLAINTIFFS MICHAEL BRAUCH AND ANDREW MEIMES' MOTION TO TRANSFER AND COORDINATE OR CONSOLIDATE FOR PRETRIAL PROCEEDINGS IN THE NORTHERN DISTRICT OF CALIFORNIA PURSUANT TO 28 U.S.C. § 1407

Plaintiffs Michael Brauch and Andrew Meimes ("Plaintiffs") respectfully move the Judicial Panel on Multidistrict Litigation ("JPML" or "Panel") for an Order, pursuant to 28 U.S.C. § 1407, that would accomplish the following.

First, Plaintiffs ask the JPML to transfer four actions currently pending in the United States District Court for the District of Delaware, as well as any cases that may subsequently be filed asserting similar or related claims, to the United States District Court for the Northern District of California, San Francisco Division. The actions currently pending in the District of Delaware are as follows: (1) Advanced Micro Devices, Inc. v. Intel Corp., et al. No. 1:05-cy-00441 (D. Del., filed June 27, 2005); (2) Kidwell, et al. v. Intel Corp, No.

1:05-cy-00470 (D. Del., filed July 6, 2005); (3) Rainwater, et al. v. Intel Corp., No. 1:05-cy-00473 (D. Del., filed July 6, 2005); and (4) Kravitz, et al. v. Intel Corp., No. 1:05-cv-476 (D. Del., filed July 8, 2005).

Second, Plaintiffs ask the JPML to consolidate the above four proceedings with the ten actions that are currently pending in the United States District Court for the Northern District of California. As of July 11, 2005, Plaintiffs are aware of the following actions pending in the Northern District: (1) Brauch, et al. v. Intel Corp., No. C:05-2743 (BZ) (N.D. Cal., filed July 5, 2005); (2) Konieczka v. Intel Corp., No. C:05-2700 (MHP) (N.D. Cal., filed June 30, 2005); (3) Prohias v. Intel Corp., No. C:05-2699 (JL) (N.D. Cal., filed June 30, 2005); (4) Niehaus v. Intel Corp., No. C:05-2720 (JCS) (N.D. Cal., filed July 1, 2005); (5) Hamilton v. Intel Corp., No. C:05-2721 (JCS) (N.D. Cal., filed July 1, 2005); (6) Baxley v. Intel Corp., No. C:05-2758 (EMC) (N.D. Cal., filed July 6, 2005); (7) Lipton v. Intel Corp., No. C.05-2669 (MHP) (N.D. Cal., filed June 29, 2005); (8) Frazier, et al. v. Intel Corp., No. C:05-2813 (N.D. Cal., filed July 11, 2005); (9) Dickerson v. Intel Corp., No. C:05-2818 (JL) (N.D. Cal., filed July 11, 2005); and (10) The Harman Press v. Intel Corp., (this case was filed late in the day therefore no number has been assigned by the court as of the date of this filing) (N.D. Cal., filed July 11, 2005). In support of their motion for transfer and consolidation, Plaintiffs state as follows.

The actions for which transfer and consolidation are proposed arise out of the same or similar illegal antitrust conduct and allege substantially similar claims. One of the actions was brought by Advanced Micro Devices ("AMD"), a competitor of defendant Intel Corporation ("Intel"). The remaining thirteen actions are brought on behalf of consumers who purchased Intel microprocessor computer chips ("Intel Chips"). All fourteen actions allege that Intel and its controlled subsidiaries and/or affiliates illegally maintained its monopoly power in the relevant microprocessor market and/or that Intel conspired to fix, raise, maintain and/or stabilize prices for Intel Chips sold in the United States and elsewhere. Intel manufactures, distributes, advertises and selis Intel Chips throughout the United States and the world.

- 2. Plaintiffs propose that the four actions pending in the District of Delaware be consolidated with the ten actions currently pending in the Northern District of California.
- 3. All fourteen actions arise out of a common core of factual allegations, namely, that Intel illegally maintained its monopoly power in the relevant microprocessor market and/or engaged in a combination and conspiracy to suppress and eliminate competition in that market by fixing the prices of and/or allocating markets for Intel Chips sold in the United States and elsewhere, thus overcharging Original Equipment Manufacturer purchasers and consumers for prices paid for Intel Chips during the relevant time period.
- 4. The centralization of these actions in a single judicial district for consolidated pretrial proceedings will promote the just and efficient conduct of these actions, will serve the convenience of all parties and witnesses, and will promote the interest of justice because all fourteen actions involve the same or similar factual and legal issues.
- Consolidation of the actions before a single court will conserve judicial 5. resources, reduce litigation costs, prevent potentially inconsistent pretrial rulings, eliminate duplicative discovery, and permit the cases to proceed to trial more efficiently.
- 6. All fourteen actions are in the very early stages of litigation; no responsive pleadings have been filed nor has any discovery been conducted.
- 7. The proposed transfer and consolidation in the Northern District of California "will be for the convenience of parties and witnesses and will promote the just and efficient conduct" of these actions because it is expected that for each Plaintiff in each of the fourteen actions, counsel will take discovery of the same witnesses and documents to prove the same or similar conspiracy or conduct.
- Furthermore: (a) the majority of the cases (ten out of the fourteen cases) were filed in the Northern District of California; (b) the Northern District of California has the resources and judicial expertise to properly conduct this case; (c) Intel's principal place of business is located in the Northern District of California; (d) AMD's principal place of business is located in the Northern District of California; (e) likely witnesses and documentary

evidence are located in the Northern District; (f) the Court is centrally located to all parties; and (g) docket conditions favor the Northern District of California over the District of Delaware.

9. Plaintiffs' motion is based on the accompanying memorandum of law, the filed pleadings and papers, and other materials that may be presented to the Panel before or at the time of any hearing in this matter.

WHEREFORE, Plaintiffs respectfully request that the Panel order that the four actions pending in the District of Delaware, as well as any cases that may be subsequently filed asserting related or similar claims, be transferred to the Northern District of California, San Francisco Division for consolidated and coordinated pretrial proceedings.

Dated: July 11, 2005

Respectfully submitted,

Michael P. Lehmann (Cal. Bar. No. 77152) Thomas P. Dove (Cal. Bar. No. 51921) Alex C. Turan (Cal. Bar. No. 227273) THE FURTH FIRM LLP

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CERTIFICATE OF SERVICE

I, Alex C. Turan, on behalf of Plaintiffs Michael Brauch and Andrew Meimes, hereby certify that true and correct copies of the following documents were served on July 11, 2005, via U.S. mail on the court, counsel and/or parties of record listed below:

- Plaintiffs Michael Brauch and Andrew Meimes' Motion to Transfer and Coordinate or Consolidate for Pretrial Proceedings in the Northern District of California Pursuant to 28 U.S.C. § 1407;
- Memorandum of Points and Authorities in Support of Plaintiffs Michael Brauch and Andrew Meimes' Motion to Transfer and Coordinate or Consolidate for Pretrial Proceedings in the Northern District of California Pursuant to 28 U.S.C. § 1407;
- Exhibits to Plaintiffs Michael Brauch and Andrew Meimes' Motion to Transfer and Coordinate or Consolidate for Pretrial Proceedings in the Northern District of California Pursuant to 28 U.S.C. §1407;
- Plaintiffs Michael Brauch and Andrew Meimes' Reasons Why Oral Argument Should Be Heard;
- Certificate of Service;
- Cover letter to Clerk, United States District Court for the Northern District of California; and
- Cover letter to Clerk, United States District Court for the District of Delaware.

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7

TAB C

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

In re Microprocessor Antitrust Litigation

MDL Docket No. 1717

NOTICE OF RELATED, TAG-ALONG ACTIONS

Pursuant to Rules 7.2(i) and 7.5(e) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, Defendant Intel Corporation ("Intel") hereby notify the Clerk of the Panel of 41 tag-along actions. The actions are listed in the attached table.

Defendant Intel respectfully requests these actions be consolidated with the other noticed actions in the above captioned MDL, still under consideration by this Panel and set for a hearing on September 29, 2005.

DATED: September 16, 2005

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ATTACHMENT

CASE NAME	DISTRICT COURT	DIVISION	CASE NUMBER	ASSEGNED JUDGE
lan Walker, individually and on behalf of all others similarly situated, v. Intel Corporation	California	Northern	C-05-2882	Hon. Marilyn H. Patel
Peter Jon Naigow, individually and on behalf of all others similarly situated v. Intel Corporation	California	Northern	C-05-2898	Hon. Marilyn H. Patel
Kevin Stoltz, individually and on behalf of all others similarly situated, v. Intel Corporation	California	Northern	C-05-2897	Hon. Marilyn H. Patel
Patrick Hewson, individually and on behalf of all others similarly situated, v. Intel Corporation	California	Northern ()	C-05-2916	Hon. Marilyn H. Patel
Lawrence Lang on behalf of himself and all others similarly situated v. Intel Corporation	California	Northern	C-05-2957	Hon. Marilyn H. Patel
Trotter-Vogel Realty, Inc. d/b/a Prudential California Realty, individually, and on behalf of all those similarly situated, v. Intel Corporation	Саlі Гогпіа	Northern	C-05-3028	Hon. Marilyn H. Patel
Karol Juskiewicz, on behalf of himself and all others similarly situated, v. Intel Corporation	California	Northern	C-05-3094	Hon. Jeffery S. White
Athan Uwakwe, d/b/a/ Tom Cyp Computers, individually, and on behalf of all those similarly situated, v. Intel Corporation	California	Northern	C-05-3197	Hon. Marilyn H. Patel

CASE NAME	DISTRICT COURT	DIVISION	CASE NUMBER	ASSIGNED JUDGE
Jose Juan, on behalf of himself and all others similarly situated, v. Intel Corporation	California	Northern	C-05-3271	Hon. Edward M. Chen
Dressed to Kill Draperies, LLC, and all others similarly situated, v. Intel Corporation	California	Northern	C-05-3272	Hon. James Larson
Tracy Kinder, on behalf of himself and all others similarly situated, v. Intel Corporation	California	Northern	C-05-3273	Hon. Saundra Brown Armstrong
Edward Rush on behalf of himself and all others similarly situated, v. Intel Corporation	California	Northern	C-05-3277	Hon. Elizabeth D. Laporte
Christian Ambrusoso on behalf of himself and all others similarly situated v. Intel Corporation	Delaware		1:05-cv-00505	Hon. Joseph J. Farnan, Jr.
Michael E. Ludt on behalf of himself and all others similarly situated v. Intel Corporation	Delaware		1:05-cv-00510	Hon. Joseph J. Farnan, Jr.
Paul C. Czysz, on behalf of himself and all others similarly situated, v. Intel Corporation	Delaware		1:05-cv-00509	Hon. Joseph J. Faman, Jr.
Elizabeth B. Baran on behalf of herself and all others similarly situated, v. Intel Corporation	Delaware		1:05-cv-00508	Hon. Joseph J. Faman, Jr.
Ficor Acquisition Co. LLC, Richard Caplan; Maria Pilar Salgado; Paula Nardella; Nancy Wolfe; Leslic March;	Delaware		1:05-cv-00515	Hon. Joseph J. Farnan, Jr.

CASE NAME	DISTRICT COURT	DIVISION	CASE NUMBER	ASSIGNED JUDGE
Tom Hobbs; Andrew Marcus; Virginia Deering, on their own behalves and on behalf of all others similarly situated v. Intel Corporation				
HP Consulting Services Inc, on behalf of itself and all others similarly situated v. Intel	Delaware		1:05-cv-00521	Hon. Joseph J. Farnan, Jr.
Fairmont Orthopedics & Sports Medicine, P.A., on behalf of itself and all others similarly situated, v. Intel Corporation	Delaware		1:05-cv-00519	Hon. Joseph J. Farnan, Jr.
Carrol Cowan Leonard Lorenzo; Russell Dennis. individually and on behalf of all others similarly situated, v. Intel Corporation	Delaware		1:05-cv-00522	Hon. Joseph J. Farnan, Jr.
Law Offices of Kwasi Asiedu, on behalf of itself and all others similarly situated v. Intel Corporation	Delaware		1:05-cv-00520	Hon. Joseph J. Farnan, Jr.
Lena K. Manyin and Jason Craig, on their own behalves and on behalf of all others similarly situated, v. Intel Corporation	Delaware		1:05-cv-00526	Hon. Joseph J. Farnan, Jr.
Joseph Samuel Cone, on behalf of himself and all others similarly situated, v. Intel Corporation	Delaware		1:05-cv-00531	Hon. Joseph J. Farnan, Jr.
Jerome Feitelberg, on behalf of	Delaware		1:05-cv-00532	Hon. Joseph J. Farnan, Jr.

CASE NAME	DISTRICT COURT	DIVISION	CASE NUMBER	ASSIGNED JUDGE
himself and all others similarly situated, v. Intel Corporation				
Robin S. Weeth, on behalf of himself and all others similarly situated, v. Intel Corporation	Delaware		1:05-cv-00533	Hon. Joseph J. Farnan, Jr.
Melinda Harr, D.D.S., P.C. on behalf of itself and all others similarly situated, v. Intel Corporation	Delaware		1:05-cv-00537	Hon. Joseph J. Farnan, Jr.
Andrew S. Cohn, on behalf of himself and all others similarly situated v. Intel Corporation	Delaware		1:05-cv-00539	Hon. Joseph J. Farnan, Jr.
Maria Griffin, on behalf of herself and all others similarly situated, v. Intel Corporation	Delaware		1:05-cv-00540	Hon. Joseph J. Farnan, Jr.
Henry Kornegay, on behalf of himself and all others similarly situated, v. Intel Corporation	Delaware		1:05-cv-00541	Hon. Joseph J. Farnan, Jr.
Paul Ramos, on behalf of himself and all others similarly situated, v. Intel Corporation	Delaware		1:05-cv-00544	Hon. Joseph J. Farnan, Jr.
Bergerson & Associates, Inc., on behalf of himself and all others similarly situated, v. Intel Corporation	Delaware		1:05-cv-00547	Hon. Joseph J. Farnan, Jr.
David Arnold, on behalf of himself and all others similarly situated, v. Intel Corporation	Delaware		1:05-cv-00554	Hon. Joseph J. Farnan, Jr.

CASE NAME	DISTRICT COURT	DIVISION	CASE-NUMBER	ASSIGNED JUDGE
Lee Pines, on behalf of himself and all others similarly situated, v. Intel Corporation	Delaware		1:05-cv-00560	Hon. Joseph J. Farnan, Jr.
Stuart Munson, on behalf of himself and all others similarly situated, v. Intel Corporation	Delaware		1:05-cv-00558	Hon. Joseph J. Farnan, Jr.
Phillip Boeding, on behalf of himself and all others similarly situated, v. Intel Corporation	Delaware		1:05-cv-00557	Hon. Joseph J. Faman, Jr.
Angel Genese Gideon Elliot Nir Goldman, on behalf of themselves and all others similarly situated, v. Intel Corporation	Delaware		1:05-cv-00556	Hon. Joseph J. Fатап, Jr.
Damon DiMarco individually and on behalf of all others similarly situated v. Intel Corporation	Delaware		1:05-cv-00627	Hon. Joseph J. Farnan, Jr.
Justin Suarez on behalf of himself and all others similarly situated, v. Intel Corporation	California	Southern	05-CV-1507	Hon. Thomas J. Whelan
Nathaniel Schwartz, individually and on behalf of all others similarly situated v. Intel Corporation	Florida	Southern	05-22262	Hon. Jose E. Martinez
Andrew Armbrister and Melissa Armbrister, on behalf of themselves and all others similarly situated, v. Intel Corporation	Tennessee	Еаstеп	2:05-cv-212	Hon. J. Ronnie Greer

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CHAL FARCE SECTIONS TRIC TURATION

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

In re Microprocessor Antitrust Litigation

MDL Docket No. 1717

AMENDED PROOF OF SERVICE

PROOF OF SERVICE

I am over eighteen years of age, not a party in this action, and employed in 0 County, District of Columbia at 1120 20th Street, NW, Suite 800, Washington, District of Columbia 20036-3406. I am readily familiar with the practice of this office for collection and processing of correspondence for mail delivery, and they are deposited that same day in the ordinary course of business.

On September 13, 2005, I served the attached to the following entities:

NOTICE OF PRESENTATION OR WAIVER OF ORAL ARGUMENT

	(BY FAX) by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
X	(BY MAIL) by causing a true and correct copy of the above to be placed in the United States Mail at Washington, District of Columbia in sealed envelope(s) with postage prepaid, addressed as set forth below. I am readily familiar with this law firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. Correspondence is deposited with the United States Postal Service the same day it is left for collection and processing in the ordinary course of business.
	(EXPRESS MAIL/OVERNIGHT DELIVERY) by causing a true and correct copy of the document(s) listed above to be delivered by in sealed envelope(s) with all fees prepaid at the address(es) set forth below.
	(PERSONAL SERVICE) by causing a true and correct copy of the above documents to be hand delivered in sealed envelope(s) with all fees fully paid to the person(s) at the address(es) set forth below.

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I declare that I am employed in the office of a member of the bar of this District of Columbia at whose direction the service was made and that this declaration was executed on September 13, 2005, at Washington, District of Columbia.